

UNITED STATES DISTRICT COURT

for the
Northern District of California

United States of America
v.

BLESSED MARVELOUS HERVE

Defendant(s)

Case No.

3 13 70456

2013 APR 24 A 10:21

FILED

NJV
MAG

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2012 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
Section 1343;

Wire Fraud

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

✓ Continued on the attached sheet.

+ 

Complainant's signature

Brian C. Weber / Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/24/13



Judge's signature

City and state: San Francisco, California

United States Magistrate Judge Nandor J. Vadas

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, Brian C. Weber, being first duly sworn, hereby depose and state as follows:

A. INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint and arrest warrant against BLESSED MARVELOUS HERVE. As set forth below, there is probable cause to believe HERVE has committed wire fraud, in violation of Title 18, United States Code, Section 1343.

2. I am a Special Agent of the Federal Bureau of Investigation (FBI), and I have been so employed for approximately 11 years. I am currently assigned to the San Francisco Division of the FBI. As part of my assigned duties, I investigate possible violations of federal criminal law. Since joining the FBI, I have been assigned to squads in San Francisco that focus on the investigation of white collar crimes, public corruption, and civil rights violations. I also served for approximately eighteen months as an Supervisory Special Agent in the Financial Crimes Section at FBI Headquarters in Washington, D.C., where I oversaw complex financial crimes investigations across the nation. During my career as an FBI agent, I have participated in dozens of white collar crime investigations, and I have been the lead or co-lead agent in more than 50 such investigations. I served as a criminal prosecutor for the Cook County Assistant States Attorney's Office in Chicago, Illinois, for approximately 3 years prior to joining the FBI.

3. This affidavit is based on my personal knowledge and information obtained from documents, witnesses, and other law enforcement officials. The information contained in this affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and arrest warrant against HERVE. As such, this affidavit does not include all of the information that I have acquired while participating in this investigation.

B. PROBABLE CAUSE TO BELIEVE CRIMES HAVE BEEN COMMITTED

Summary of Scheme to Defraud

4. According to documents that I reviewed, BLESSED MARVELOUS HERVE was born in 1972 in the Democratic Republic of the Congo and was granted Asylum in the United States on March 5, 1999. HERVE received United States Citizenship on March 26, 2013.

5. Beginning in and around late 2005, HERVE made his first contact with Victim 1, "BE" (these are the initials of the victim, not the victim's real name), a California licensed real estate broker doing business in the luxury home sales market in Marin County, California. HERVE told BE that he was the son of the President of the Republic of the Congo, whom HERVE claimed was a multi-billionaire. HERVE told BE that his father was seeking to purchase numerous multi-million dollar homes in the San Francisco Bay Area and that he wanted to work with BE as the real estate agent for the purchases. HERVE toured several multi-million dollar

homes with BE.

6. HERVE then began to solicit money from BE. HERVE claimed that the United States government had recently seized his assets, in excess of \$43,000,000, and that he needed BE's financial assistance in connection with a federal court case to prevail in the proceeding and access the \$43,000,000. As part of his scheme to obtain money from BE, HERVE signed two promissory notes promising to pay BE bonus sums of \$500,000 and \$1,000,000 in exchange for BE's financial support of HERVE's quest to access the \$43,000,000 that the government had supposedly seized from him.

7. The scheme HERVE employed against BE appears to have been a variation of a scheme often referred to as a "Nigerian Prince" or "Nigerian Letter" scheme, whereby an individual claims ties to a wealthy foreign dignitary with fabulous wealth and seeks advance fees for various administrative and other costs, promising full repayment of the advance fees, plus a bonus, to the victim. In this case HERVE, who claimed to be the son of the President of the Republic of Congo, promised BE and later Victim 2, "KW" (these are the initials of the victim, not the victim's real name), millions of dollars in "bonuses" and a free luxury vehicle in exchange for their financial assistance in his quest to access the \$43,000,000 that the United States government had seized from him. HERVE also promised to purchase millions of dollars of property through BE, transactions that would have been very financially lucrative for BE.

8. HERVE had no personal contact with BE or KW during the final three years of this scheme, claiming he was in United States federal custody as a result of the government's case against him.

9. Based on my training and experience, familiarity with the facts of this case specifically, and similar schemes in general, I believe that HERVE is, in fact, not the son of the President of the Republic of the Congo and that HERVE had no intent or means to invest in the Bay Area real estate market, repay his victims, or provide them with millions of dollars in bonus money. My investigation has further determined that HERVE was not in federal custody from 2009 through 2012 and never had any legal actions with the government involving asset seizures of \$43,000,000. From 2006 to late 2012, HERVE obtained approximately \$1,600,000 from the victims in this case.

First Stage of Scheme

10. BE first met HERVE in late 2005, when HERVE responded to an advertisement that BE had run for the sale of a luxury home in Tiburon, California. HERVE contacted BE claiming to be the son of the President of the Congo seeking a real estate agent to help him purchase millions of dollars of property in the Bay Area.

11. Soon after meeting, HERVE provided BE with several documents HERVE used to bolster his credibility. These documents included a complimentary letter written to HERVE from a United States Senator, copies of awards of recognition HERVE received from the City and

County of San Francisco, a certificate of Special Congressional Recognition from a Member of Congress, an Asylum approval letter from the United States Department of Justice, and a City and County of San Francisco Birth Certificate for his daughter. According to BE, HERVE's tender of these documents to BE made BE feel comfortable with HERVE and painted HERVE as an upstanding and trustworthy individual.

12. HERVE toured many homes with BE prior to soliciting any money from BE, including a \$40,000,000 home in Atherton, California. According to BE, HERVE seemed confident and knowledgeable about the Bay Area real estate market.

Second Stage of Scheme

13. HERVE first solicited money from BE for a matter directly related to his real estate relationship with BE. HERVE told BE that his father, the President of the Republic of the Congo, would soon be arriving in the Bay Area to tour potential real estate investments, but that he would require bullet proof limousines for transportation while in the area. HERVE asked BE to advance him cash to rent the limousines, promising to pay BE back immediately upon the arrival of his father. HERVE canceled and rescheduled his father's real estate tours with BE multiple times, requiring BE to advance him cash for the limousine rentals each time. BE advanced HERVE approximately \$30,000 for the limousine rentals.

14. HERVE then told BE he was having trouble accessing a large sum of funds that he had transferred from his Swiss bank account to his bank in San Francisco. HERVE solicited funds from BE, with the promise to repay, for various living expenses through the rest of 2006.

15. During 2007, HERVE claimed further problems in obtaining the money he had transferred from his Swiss bank account. HERVE sought and collected money from BE in order to retain an attorney to help him free the funds. HERVE told BE that his family would arrive soon and would immediately repay BE.

16. In 2008, HERVE told BE that he was continuing to have problems accessing his money, and would be going to trial in United States District Court before Judge Marilyn Patel, who was located in room 15 on the 18th floor of the federal building in San Francisco in order to free his funds. I reviewed court records through PACER, an online court records database, and found no record of any proceedings involving HERVE before Judge Patel in 2008. HERVE solicited and received money from BE for various living expenses and trial related expenses during 2008.

17. During this time period, HERVE claimed to live at the Four Seasons Hotel in San Francisco and often asked BE to drive him from the Four Seasons to his court hearings at the federal building located at 450 Golden Gate Avenue, San Francisco. When BE expressed his desire to accompany HERVE into the courthouse and observe HERVE's court appearance, HERVE told BE that he could not observe his court hearing because they were secret, and were being heard under the authority of the United States Foreign Surveillance Act (FISA).

18. BE always met HERVE in the lobby of the Four Seasons Hotel; BE never actually visited or observed HERVE in his alleged Four Seasons Hotel room or residence. A representative of the Four Seasons Hotel told me they have no record of HERVE living in the Four Seasons Hotel in 2008. Throughout this time period, HERVE promised BE that his family would send money to repay BE, however, such payments never occurred.

19. In June, 2009, HERVE met BE outside the San Francisco federal building at 450 Golden Gate Ave., and showed BE court papers related to his case before Judge Patel. According to BE, the papers appeared to be a criminal complaint, on official U.S. Department of Justice letter head, and contained the words "United States of America v. Blessed M. Herve" on the heading. BE believed the document to be authentic and part of the records of HERVE's claimed court case before Judge Patel. BE told me that the document legitimized HERVE's statements about his case, and made BE feel more comfortable with the situation he was involved in with HERVE. HERVE would not allow BE to retain the court documents, claiming it would violate the court orders associated with his secret FISA court hearings.

20. Later in or about September 2009, HERVE told BE that his trial was complete, but that he was required to go to federal prison for 90 days, after which, he and his money would be released. HERVE then asked BE if he would financially support him during his incarceration. BE agreed, based upon all of HERVE's past oral and written promises to repay BE with interest and bonuses.

21. HERVE claimed to be in federal prison and in the custody of the United States Marshal's Service from 2009 through the end of 2012. HERVE communicated with BE and KW exclusively via telephone from 2009 through 2012. According to federal records, HERVE was not in the custody of the United States Bureau of Prisons during 2009 through 2012.

22. In approximately November 2009, BE was financially broke, having given all of his money, approximately \$635,000, to HERVE since 2006. Unable to meet HERVE's continuing financial demands in support of his quest to free his funds, BE's girlfriend KW began making payments to HERVE in November 2009. BE asked KW to begin making payments to HERVE because of HERVE's insistence that he was close to being released from custody, at which time his funds would also be released. KW agreed to meet HERVE's demands for funds while he was imprisoned because HERVE promised to repay her as well as provide her with a luxury car and a \$1,000,000 bonus upon the completion of his federal case and release of his funds.

23. KW paid HERVE approximately \$970,000 through more than 200 wire transfers from November 2009 to October 2012. HERVE sought and received payments from KW for dozens of different expenses that he claimed were associated with his incarceration and court case. For example, at HERVE's direction KW paid HERVE over \$10,000 for prison provided medical care related to an injury HERVE claimed to have suffered from after another inmate threw a bottle at HERVE in the prison cafeteria, over \$50,000 for claimed court costs and prison transportation fees for an alleged "secret session" that he had pending before the United States Supreme Court,

and over \$10,000 for costs associated with two witnesses HERVE claimed he had brought in from Switzerland to testify on his behalf during his secret court sessions before the United States Supreme Court.

24. KW's last payment to HERVE was a wire transfer on October 4, 2012 for \$47,000, an amount HERVE told her he needed to pay the Internal Revenue Service in order to satisfy the final judgment entered against him resulting in the release of his funds. KW was financially broke after this payment, and unable to satisfy any of HERVE's further demands for money. HERVE, nonetheless, continued to request further funds from BE and KW in support of his claimed ongoing litigation between approximately October 4, 2012 and November 20, 2012. On or about November 20, 2012, HERVE told BE he was being transferred to Guaynabo prison in Puerto Rico and that if BE or KW did not give him a final amount of \$53,000 to end his case, he would be deported to the Congo, where he claimed he would be killed by his father. This was the last time BE or KW heard from HERVE.

Financial Summary

25. I have identified four bank accounts into which HERVE received money from victims BE and KW in furtherance of the fraud scheme set forth above. One account at Citibank, ending in 2556, one account at Chase Bank ending in 7160, one account with Wells Fargo Bank ending in 5741, and another account at Wells Fargo Bank ending in 9747. A review of transaction receipts provided by the victims and statements from the victims reveals that the victims wired money into those accounts in the name B. M. HERVE.

26. According to a review of bank records and statements provided by the victims, the victims paid HERVE approximately \$1,600,000 over the course of this scheme through deposits into the accounts noted above and cash directly paid directly to HERVE.

27. As noted above, on or about October 4, 2012, \$47,000 was sent from KW's bank account, ending in 5664, at Chase Bank located in Florida, to HERVE's bank account, ending in 2556, at Citibank located in San Francisco, California.

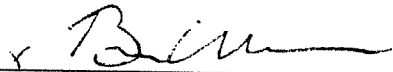
C. CONCLUSION

28. Based upon the foregoing, I believe there is probable cause to believe that HERVE has conducted a scheme to commit wire fraud, in violation of Title 18, United States Code, Section 1343. Accordingly, I respectfully request an arrest warrant for HERVE.

D. REQUEST FOR SEALING

29. Because this investigation is continuing, and because the arrest will take place after this Affidavit is executed, I believe that disclosure of this Affidavit or Arrest Warrant likely would jeopardize the progress of the investigation. Accordingly, I request that the Court issue an

order that the entire file in this matter be sealed until further order of the Court.



BRIAN C. WEBER
Special Agent, Federal Bureau of Investigation

Sworn to and subscribed before me
this 24th day of April 2013



NANDOR J. VADAS
United States Magistrate Judge